

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Sedrick Jamon Hayes,

Plaintiff,

v.

Corporal S. Eli; Sergeant Karen Scott; and
Captain Darren Yarborough,

Defendants.

C/A No. 1:21-cv-1549-JFA-SVH

ORDER

Plaintiff Sedrick Jamon Hayes (“Plaintiff”), a self-represented prisoner, brings this action pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights through an amended complaint. (ECF No. 10). In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), the case was referred to the Magistrate Judge for pretrial proceedings, including consideration of Defendant’s motion for summary judgment.

On September 17, 2021, defendant Yarborough filed a Motion for Summary Judgment. (ECF No. 23). The Magistrate Judge issued an order filed on September 17, 2021, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising the Plaintiff of the motion and the possible consequences if he failed to respond adequately. (ECF No. 24). Plaintiff was specifically advised that if he failed to respond, this action could be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. *Id.* Plaintiff failed to respond to the motion.

On October 22, 2021, the Magistrate Judge assigned to this action¹ prepared a thorough Report and Recommendation (“Report”). (ECF No. 32). Within the Report, the Magistrate Judge opines that this action should be dismissed without prejudice in accordance with Federal Rule of Civil Procedure 41. *Id.* The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

Plaintiff was advised of his right to object to the Report, which was entered on the docket on October 22, 2021. *Id.* The Magistrate Judge required Plaintiff to file objections by November 5, 2021. *Id.* On September 28, 2021, the Magistrate Judge filed an order that authorized the service of process on Defendants Eli and Scott. (ECF No. 27).² Defendants Eli and Scott filed an answer to the amended complaint on October 25, 2021. (ECF No. 36). Plaintiff failed to file objections or otherwise respond to the motion for summary judgment. Thus, this matter is ripe for review.

A district court is only required to conduct a *de novo* review of the specific portions of the Magistrate Judge’s Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Magistrate’s Report, this

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976).

² The Order was returned undeliverable and unable to forward. (ECF No. 31). Plaintiff had previously received the order instructing him to advise the Clerk of Court of any address change. (ECF No. 13).

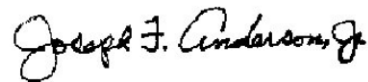
Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Here, Plaintiff has failed to raise any objections and therefore this Court is not required to give an explanation for adopting the recommendation. A review of the Report and prior orders indicates that the Magistrate Judge correctly concluded that the action should be dismissed for failure to prosecute.

After carefully reviewing the applicable laws, the record in this case, and the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein by reference. (ECF No. 32). Consequently, this matter is summarily dismissed without prejudice pursuant to Federal Rule of Procedure 41(b).

IT IS SO ORDERED.

November 29, 2021
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge